



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,211	03/17/2006	Kiyoshi Matsumoto	740165-390	3936
25570	7590	03/17/2008	EXAMINER	
ROBERTS, MLOTKOWSKI & HOBBS P. O. BOX 10064 MCLEAN, VA 22102-8064				WOOD, ELLEN S
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
03/17/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Dbeltran@rmhllaw.com
LGallaughher@rmhllaw.com

Office Action Summary	Application No.	Applicant(s)
	10/525,211	MATSUMOTO ET AL.
	Examiner	Art Unit
	ELLEN S. WOOD	1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 February 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/18/2007</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ota (JP 08-168518).

In regards to claim 1 and 12, Ota discloses a bag for sterilization for forceps, tweezers, scissors, etc. [0001]. The bag is comprised of a natural synthetic resin film [0014] adhered to a back side sheet of material that is gas-permeable [0023 and 0026]. The bag has an opening at the top (drawing 4). The bag has damage prevention means by having a basilaris ossis occipitalis (boat bottom) formed at the bottom of the bag [0016]. This provides for standing of the bag and the contents of the bag will hit the lower part of the bag, which receives the weight [0036]. Since, the bag is formed from natural synthetic film the bag will not separate, thus preventing the contents of the bag from puncturing the bottom of the bag [0036].

In regards to claim 2-3 and 9-10, Ota discloses that the bottom of the bag is formed from folding a third piece of rectangle natural resin [0013]. The piece is folded in half so that it may become symmetrical by a line parallel to said two sides of opposite and that it can be positioned so that it may be put between pieces of a rectangle of two, and a field which sandwiches said inward line for this 3rd piece of rectangle to form the

boat bottom[0011]. The examiner would also like to draw the attention to drawing 7 and the lines that are present for the folding explained previously. The examiner considers this mountain and valley folding based on the definition that mountain folding is folding away from the outer layer and valley folding is folding towards the outer layer. A bulging portion is defined as a protruding part. The examiner considers that the boat bottom is a protruding part that is formed at the lower end of the bag.

In regards to claim 4, Ota discloses that the side edges (3) of the bulging portion are adhered so that the lower end becomes shorter than the opening in the upper end (drawing 7).

In regards to claim 6, Ota discloses that the horizontal side sealed parts (side edge of the bulging portion) is cut off by a cutting edge and removed [0042].

In regards to claim 7, Ota discloses that the bag for sterilization has boat bottom portion [0027], which is in the inner surface of the lower end portion of the bag. This prevents the damage by catching the tip of stored articles [0036].

In regards to claim 8, Ota discloses that the boat bottom is made from a natural synthetic film [0036], thus it is a filmy protective component.

In regards to claim 11, Ota discloses that the natural synthetic film can be that that has excellent steam and gas permeability [0021 and 0023].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (JP 08-168518).

Ota discloses the bag for sterilization as previously described. Ota is silent with regards to the intersecting angle and the ability of the bulging portion to be cut and removed.

Ota discloses folding the resin to form a bulging portion [0011] and shows a similar slant folding configuration (drawing 5) as the instant applicant (fig. 1A). It would be obvious to one of ordinary skill in the art to form a intersecting angle of an adhered portion in the side edge of the bulging portion and the folding line of the side surface film to be one that would allow for ease of folding and to produce a bulging area that provides the best resistance to punctuation of the enclosed articles.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLEN S. WOOD whose telephone number is (571)270-3450. The examiner can normally be reached on Monday-Friday 7-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ellen S Wood
Examiner
Art Unit 1794

/Carol Chaney/
Supervisory Patent Examiner, Art Unit 1794